

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 28, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, April 28, 2009.

Mayor Warmington opened the meeting with a prayer from Pastor Tim Cross from the Living Word Church of Muskegon after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Chris Carter (excused)

2009-37 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the April 13th Commission Worksession, and the April 14th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Contractual Agreement – Michigan Department of State. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into an agreement with the Michigan Department of State whereby the Department of State will allow us to access vehicle files and in turn, provide this information to Complus Data Innovations, the City's parking ticket vendor. This information will then be used by Complus to produce invoices for unpaid parking violations.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

C. Request to hold a Catamaran Sailing Event, and Camp Overnight at Pere Marquette. LEISURE SERVICES

SUMMARY OF REQUEST: Approval of resolution permitting overnight camping for the Catamaran Racing Association of Michigan, on August 1, 2009, at Pere Marquette Park.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution allowing for overnight camping at Pere Marquette for this event August 1 and August 2, 2009.

D. Request to Fly the Norwegian Flag. CITY CLERK

SUMMARY OF REQUEST: The Sons of Norway is requesting permission to fly the Norwegian Flag at City Hall on Friday, May 15th to Monday, May 18th to celebrate Norway's Constitution Day.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

E. Request to Purchase Uniform Pants. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting permission to purchase a different style of uniform pant from our supplier, Nye Uniform of Grand Rapids. The current pant (French Blue-Navy Blue stripe) has a list price of \$89.50 per pair. The new pant (Navy Blue-no stripe) has a list price of \$44.50 per pair.

Nye Uniform has agreed to a one-time bulk price of \$39.99 to switch to the new pant. Total cost for the switch (300 pair) is \$11,997.

On average we replace 120 pair of pants per year. That replacement cost, with our current pant, equates to \$10,740. Thus, the money is available in the current budget to make the switch and will result in long-term savings.

FINANCIAL IMPACT: Estimated \$1,200 in additional costs for pants this budget year.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the purchase.

F. Participation Agreement – Project IGNITE. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into an agreement to participate in Project IGNITE. Project IGNITE is a law

enforcement sensitive information sharing project funded with Homeland Security grant funds. The project encompasses 13 counties that form the Michigan Homeland Security Region 6 and select cities within those counties.

Project IGNITE offers user agencies access to various records management systems throughout Region 6 for the purpose of preventing and/or solving crime and reducing the threat of domestic terrorism.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

G. Selection of Additional Siding Contractor. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Community and Neighborhood Services department request to add Lewis Johnson Construction of 16076 Bonita Court, Grand Haven, MI, as one of the City's contractors for vinyl siding installers.

Lewis Johnson Construction will be installing vinyl siding on CDBG approved applicants homes for the price of \$65 per building square. If the Commission approves to add Johnson Construction, the total number of contractors working on the City's vinyl siding program will be two during the 2008-2009 fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the 2008-2009 CDBG siding program.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: Both the Commission and the CDC agreed on the current vinyl siding budget.

H. Purchase of 1387 7th, 71 E. Grand, 402 Southern, 1464 6th, and 982 Amity. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of the properties located at 1387 7th, 71 E. Grand, 402 Southern, 1464 6th and 982 Amity. The purchase price for the properties is the following:

1387 7th -- \$17,500

71 E. Grand -- \$4,950

402 Southern -- \$4,500

1464 6th -- \$7,500

982 Amity -- \$14,400

All of the acquisition properties will be part of the City's Neighborhood

Stabilization program which will consist of three components which include demolition, total rehabilitation and new construction.

FINANCIAL IMPACT: Funding for purchases will come from the City's \$1,400,000 Neighborhood Stabilization Grant from the U.S. Department of Housing and Urban Development and being administered through the Michigan State Housing Development Authority.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

I. Resolution Approving DELEG Grant Application. PLANNING &
ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the request to submit the grant application to the Michigan Department of Energy, Labor and Economic Growth (DELEG) for their Michigan Energy Efficiency Grant. The City will be asking for \$310,000 in funding for a new Heating, Ventilating and Air Conditioning system (HVAC) and for training local students how to install these systems. The grant application will state that the City is willing to provide up to \$10,000 in matching funds if necessary.

FINANCIAL IMPACT: The estimate from Trane, Inc. suggests that the City will save over \$43,000 in energy costs per year with the new system.

BUDGET ACTION REQUIRED: \$10,000 in matching funds, if required so by DELEG. There is no match required; however, matching funds will strengthen the chances of the grant being approved.

STAFF RECOMMENDATION: To approve the request and sign the resolution.

J. Consideration of Bids for H-1652 Home Street, Apple to just north of Creek. ENGINEERING

SUMMARY OF REQUEST: Award of the Home Street reconstruction project to McCormick Sand, Inc. out of Twin Lake, MI since they were the lowest responsible bidder with a total bid price of \$90,828.

FINANCIAL IMPACT: The construction cost of \$90,828 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to McCormick Sand, Inc.

K. Consideration of Bids for H-1647 Jefferson Street, Fourth to Strong. ENGINEERING

SUMMARY OF REQUEST: Award the Jefferson Street reconstruction project to McCormick Sand out of Twin Lake, MI since they were the lowest responsible

bidder with a total bid price of \$119,467.20.

While Brenner appears to be the lowest bidder, the fact is that they submitted the bid on the wrong proposal which is a clear violation to the pre-bid minutes.

FINANCIAL IMPACT: The construction cost of \$119,467.20 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to McCormick Sand, Inc.

L. Consideration of Bids for Sixth Street, Mason to Strong S-643.
ENGINEERING

SUMMARY OF REQUEST: Award the Sixth Street sewer and street improvements between Mason and Strong to Brenner Excavating out of Hopkins since they were the lowest responsible bidder with a total bid price of \$69,929.70.

FINANCIAL IMPACT: The construction cost of \$69,929.70 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Brenner Excavating.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to accept the Consent Agenda as presented.

ROLL VOTE: Ayes: Wierengo, Wisneski, Gawron, Shepherd, Spataro, Warmington
Nays: None

MOTION PASSES

2009-38 UNFINISHED BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 1850 Park. PUBLIC SAFETY

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structure located at 1850 Park is unsafe, substandard, a public nuisance and that it be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: General.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 1850 Park.

ROLL VOTE: Ayes: Wisneski, Gawron, Shepherd, Spataro, Warmington, Wierengo

Nays: None

MOTION PASSES

2009-39 NEW BUSINESS:

A. Collective Bargaining Agreement with Service Employees International Union (SEIU) Local 517M (Clerical Union) for Years 2009 – 2011. CITY MANAGER

SUMMARY OF REQUEST: To approve the tentative agreements with SEIU Local 517M for years 2009-2011.

FINANCIAL IMPACT: Information provided separately.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the tentative agreements and authorize the Mayor and Clerk to execute the agreement.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the collective bargaining agreement with the Service Employees International Union Local 517M (Clerical Union) for the years 2009-2011.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski

Nays: None

MOTION PASSES

B. Gypsy Moth Spraying. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to participate in the County's gypsy moth spraying program scheduled for 2009. The City has two sections where spraying is necessary for a total acreage of 466 at an anticipated cost of \$15,132 toward the actual spraying plus some additional cost for the mailing/advertisement that needs to be done before the actual spraying.

FINANCIAL IMPACT: Less than \$16,000 total.

BUDGET ACTION REQUIRED: The 2009 budget will need to be amended to cover this unbudgeted amount. If approved, the amendment will be reflected in the second quarter budget reforecast later this year.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Muskegon County to participate in the program.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to enter into an agreement with Muskegon County to participate in the gypsy moth spraying

program.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski

Nays: None

MOTION PASSES

C. Downtown Development Authority On-Premise Liquor License for Pi-Bar, LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution approving a Downtown Development Authority On-Premise Liquor License for Pi-Bar, LLC. The Liquor Control Code allows for additional liquor licenses within Downtown Development Authority Districts under certain conditions.

FINANCIAL IMPACT: Approval of the Liquor License will allow for a new restaurant in the downtown area which should result in increased revenue for the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution.

Motion by Commissioner Shepherd, second by Commissioner Spataro to approve the Downtown Development Authority On-Premise Liquor License for Pi-Bar, LLC.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Gawron

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Comments were made.

ADJOURNMENT: The City Commission Meeting adjourned at 6:07 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk